

WRAC Report September 6-7, 2006

Overview:

This report summarizes the **September 6-7, 2006** regular monthly meeting of the WRAC.

WRAC Issues Workshops were held as follows:

- July 5: Water Supply Policy/Lake Okeechobee Regulation Schedule Revisions
- July 25: Water Supply Policy/Lake Okeechobee Regulation Schedule
- August 7: C-44 Reservoir/STA, Acceler8 Project, Preliminary Design
- August 10: C-43 Reservoir, Acceler8 Project, Preliminary Design
- August 17: Picayune Strand Canals/Levees/Roads, Acceler8 Project Basis of Design Report
- August 24: EAA Structures, Acceler8 Project, Basis of Design Report
- August 28: Water Supply Policy/Lake Okeechobee Regulation Schedule Revisions.

The Lake Okeechobee Committee met on August 3. The Committee report from that meeting has been posted to <http://my.sfwmd.gov/wrac>. The Committee meeting scheduled for August 30-31 was canceled due to Tropical Storm Ernesto.

- Committee member comments regarding the U.S. Army Corps of Engineers' "Tentatively Selected Plan" for the Lake Okeechobee Interim Regulation Schedule were presented to the SFWMD Governing Board on August 9.
- The Lake Okeechobee Technical Sub-Committee held teleconference meetings on July 20 and August 25.

The September 6-7, 2006 WRAC Meeting Agenda is attached.

Results: The WRAC took the following action at the 9/6-7 meeting:

- **ACTION:** approved a resolution, with one objection, requesting that the SFWMD Governing Board write a letter to the U.S. Congress urging full funding of the President's FY 2007 Budget for Everglades Restoration.
 - The Miccosukee Tribe WRAC representative objected because of concerns that increased funding could be used for a "Decomartmentalization" project and additional Tamiami Trail bridges rather than completion of critical components of the Modified Water Deliveries to Everglades National Park project.
- **ACTION:** Did not object to moving forward with Acceler8 C-44 Reservoir Preliminary Design; EAA Reservoir Structures Preliminary Design; and Picayune Strand Canals/Levees/Roads Basis of Design.

- **ACTION:** Supported without objection, moving forward with Florida Bay Minimum Flows and Levels proposed rule.
- **ACTION:** Supported without objection, moving forward with Alternative Water Supply Grants for FY 2007.
- **ACTION:** Supported without objection, the Draft Land Acquisition Strategy for presentation to the South Florida Ecosystem Restoration Task Force at its next meeting, September 20-21 in West Palm Beach, FL.
- **ACTION:** Supported without objection, the Draft Interim Goals and Targets Agreements for presentation to the South Florida Ecosystem Restoration Task Force at its September 20-21 meeting, with addition of a provision to the “Duties” section stating that agencies would expedite permit reviews for Everglades restoration projects in a timely manner.
- **ACTION:** “Tentatively Selected Plan” (TSP) for the Lake Okeechobee Interim Regulation Schedule 2007-2010. WRAC Members made the following comments about the proposed “TSP”:
 - Prior to the selection of a “Tentatively Selected Plan”, need to have information from U.S. Fish and Wildlife Service (FWS) from the Section 7, Endangered Species Act Consultation about the impact of the proposed action on the snail kite. The SFWMD cannot commit \$125 million to the design, permitting and construction of forward pumps if the FWS concludes “jeopardy” to the snail kite and subsequently finds that the forward pumps could not be operated.
 - A meeting attended by 50 Lake Okeechobee Service Area (LOSA) water users was held recently in Clewiston.
 - Most can live with the risks for water supplies from a lower lake level and a new plan for Lake Okeechobee Water Shortage Management, if forward pumps are included and can be operated.
 - The “TSP” appears to provide total flexibility to the USACE in the proposed Water Control Plan. The modeling used to support the “bands” seems to indicate that is the Water Control Plan.
 - There is no assurance in the draft document that the forward pumps could be operated if a U.S. Fish and Wildlife Service (FWS) Biological Opinion is published finding jeopardy for, or

an incidental take of, the snail kite. That would be unacceptable to the LOSA water users.

- Information about water quality impacts of the proposed action does not appear to be in the draft document. Need full disclosure of water quality impacts on the Everglades ecosystem.
- Lake Okeechobee Minimum Flows and Levels were established in rule before the beginning of higher rainfall years. Need to develop a Recovery Strategy for the Lake. This could include restocking apple snails to prevent severe impacts to the snail kite from MFL exceedances.
- The U.S. Department of the Interior will put together a policy statement regarding the Section 7 Consultation prior to the SFWMD Governing Board Meeting on 9/13.
- Some public utilities are concerned about whether other reservoirs (EAA, C-44, C43) will have water supply components to provide backup water supply given reduction of Lake Okeechobee schedule by one foot.
- SFWMD should redo the formula for imposing water use restrictions to acknowledge utilities that have achieved per capita water use reductions and invested significant funds in water reuse.
- Reduction of the Lake Okeechobee Regulation Schedule by roughly one foot will significantly reduce storage of water for use in Everglades restoration. Concern about where and whether this storage will be made up?
- **Public Comment, “Tentatively Selected Plan”, Lake Okeechobee Regulation Schedule:**
 - **Conservancy of Southwest Florida opposes the proposed “TSP” because the Caloosahatchee estuary is being sacrificed as a disposal conduit for Lake Okeechobee water. Advocate solutions to acquire more land in the EAA for storage and treatment. Need meaningful reform of the Lake Okeechobee Regulation schedule to hold at 12 – 15.5’ and reduce the duration and volume of high discharges to the estuaries.**
 - **Lee county opposes the “TSP” because it will hurt the estuaries. The Corps of Engineers should look at other alternatives.**

Other Discussion/Issues:

- **Proposed Regional Water Availability Rule:** Draft rule was discussed at length following a presentation by Cecile Piverotto and Scott Burns, SFWMD.
 - Issues discussed included: Validity of April 2006 date; concerns about whether 20-year permits can be relied upon given possible effects of rule on water allocations; questions about permit modifications; definition of “affected areas” and “Everglades system” etc.
- **Future Meetings:**
 - September 14 – WRAC Recreation Issues Workshop, B-1 Auditorium, 4-7 p.m.
 - September 27 – WRAC Lake Okeechobee Committee, SFWMD Ft. Myers Service Center, 9 a.m. – 4 p.m.
 - October 5 – WRAC, B-1 Auditorium, SFWMD, 9 a.m. – 4 p.m.